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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/712,743

11/13/2003

John Matthew Santosuosso

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EXAMINER

PHAM, HUNG Q

ART UNIT

PAPER NUMBER

2168

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,743

Applicant(s)

SANTOSUOSSO, JOHN
MATTHEW

Examiner

HUNG Q. PHAM

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,11-15,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,11-15,17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Claim Objections

The objection of claim 7 has been withdrawn in view of the amendment.

Claim Rejections - 35 USC § 101

The rejection of claims 14-18 under U.S.C. § 101 has been withdrawn in view of the amendment.

Claim Rejections - 35 USC § 103

Applicants' arguments with respect to the rejection under 35 U.S.C. § 103 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claim 3 is objected to because of the following informalities: *said trigger event start time* (*trigger event start time* is respectfully suggested). Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 11 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2168

Regarding claim 1,

the query at line 11 references to other items in the claim. It is unclear what item is being referenced;

the claimed limitation *starting a monitor for each identified timeout value* for the query at line 15 indicates a plurality of *timeout values* were identified. However, at line 13, only *a timeout value* is identified for the query. Therefore, the claimed limitation *starting a monitor for each identified timeout value* is indefinite because it is unclear what item is being referenced as *each identified timeout value*.

Regarding claim 11, the claimed limitation *said at least one of said trigger monitor* references to other items in the claims. It is unclear what item is being referenced.

Regarding claim 14,

the claimed limitation *the requested monitor* (Lines 9 and 10) references to at least two *monitor being requested* (Lines 8-9). It is unclear which *monitor being requested* is being referenced;

the claimed limitation *the query* (Line 14), references to other items in the claims. It is unclear what item is being referenced;

the claimed limitation *said at least one of said trigger* (Lines 22-23), references to other items in the claims. It is unclear what item is being referenced.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 6, 8, 11-15, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Brownbridge et al. [Oracle Discoverer™ 4i Plus].

Regarding claims 1, 11 and 14, Brownbridge teaches a method, program and system *for implementing enhanced query governor functions* comprising the steps of:

monitoring events (As shown at Page 9, *events*, e.g., query time, queries running time..., are monitored by Query Governor);

responsive to an event to modify attributes (in response to selecting Query Governor tab in page 9 as *an event to modify attributes*), *performing a modify attributes routine, said modify attributes routine including checking for a monitor being requested* (a *modify attributes routine including checking for a monitor being requested*, e.g., "When summary data is more recent than 69 days" is performed based on the predetermined days in the box corresponding to the routine (The screenshot of Page 9));

and responsive to a monitor being requested, setting a timeout value for the requested monitor (a *monitor is requested* by a user by checking the box under Query Governor, e.g., checking the box of "Warn me if predicted query time exceeds", and (The screenshot of Page 9)); *the requested monitor including at least one of a user defined function (UDF) and a trigger* (the *requested monitor including a user defined function (UDF)*, e.g., "Warn me if predicted query time exceeds" (The screenshot of Page

Art Unit: 2168

9), and a trigger, e.g., a message appears if the estimated completion time exceeds the predefined period (Page 10, First paragraph);

responsive to an event to execute query, performing an execute query routine; said execute query routine including: checking for a timeout value for the query, and said at least one of said user defined function (UDF) and said trigger (an execute query routine is performed in response to an event to execute query by checking for a timeout value for the query, user defined function (UDF) and trigger (Page 10, First paragraph);

responsive to identifying a timeout value for the query, resetting an execution time for the query (in response to identifying a timeout value for the query, e.g., checking the box of "Prevent queries from running longer than", an execution time for the query can be reset by the user, e.g., 30 mins (The screenshot of Page 9 and page 10));

starting a monitor for each identified timeout value for the query and said at least one of said user defined function (UDF) and said trigger (By selecting "OK" box as shown in screenshot of Page 9, a monitor is started for each identified timeout value for the query and user defined function (UDF) and trigger a message as described at Page 10);

starting the execution of the query (Page 28, Queries);

monitoring the execution of predefined events during the execution of the query (predefined events during the execution of the query as details of Query Governor after setting the parameters by a user as shown in screenshot of Page 9, e.g., "Warn me if predicted query time exceeds" and "Prevent queries from running longer than", are monitored during the execution of the query);

said predefined events including a begin or end of processing of said at least one of said a trigger and said a user defined function (UDF) (predefined events including a begin of trigger and user defined function as shown in screenshot of Page 9);

periodically checking execution status of the query; responsive to identifying the query is executing, checking for any expired timeout value; and halting the execution of the query responsive to an identified expired timeout value (Page 10).

Regarding claims 5 and 17, Brownbridge teaches all of the claimed subject matter as discussed above with respect to claims 1 and 14, Brownbridge further discloses the step of *recording empirical data for said trigger, and said user defined function (UDF)* (The screenshot of Page 9).

Regarding claim 6, Brownbridge teaches all of the claimed subject matter as discussed above with respect to claim 5, Brownbridge further discloses the step of *checking to determine based upon said recorded empirical data whether in most likelihood that the query can finish within timeout values for said trigger and said user defined function (UDF), and responsive to determining in most likelihood the query will not finish within said timeout values, execution of the query is not started* (Page 10).

Regarding claims 8 and 15, Brownbridge teaches all of the claimed subject matter as discussed above with respect to claims 1 and 14, Brownbridge further discloses the step of *changing query attributes* (The screenshot of Page 9).

Regarding claims 12 and 18, Brownbridge teaches all of the claimed subject matter as discussed above with respect to claims 11 and 17, Brownbridge further discloses the step of *checking to determine based upon said recorded empirical data whether in most likelihood that the query can finish within timeout values for said trigger and said user defined function (UDF), and only responsive to determining in most likelihood the query can finish within said timeout values, starting execution of the query* (Pages 9-10).

Regarding claim 13, Brownbridge teaches all of the claimed subject matter as discussed above with respect to claim 11, Brownbridge further discloses the step of *identifying an expired timeout value for said trigger or said UDF, halting the execution of the query* (Pages 9-10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brownbridge et al. [Oracle Discoverer™ 4i Plus] in view of Ramasamy et al. [USP 6,944,614 B1].

Regarding claim 3, Brownbridge teaches all of the claimed subject matter as discussed above with respect to claim 1, but does not explicitly teach the step of *recording each said trigger event start time and stop time*.

Ramasamy teaches a method for monitoring an executed query (Ramasamy, Abstract) and further discloses the step of *recording start time and stop time* for each operator's thread (Ramasamy, Col. 8, Lines 9-28).

In order to send the message as disclosed at page 10 of Brownbridge, recording the start and stop time of the query is a must in order to trigger the event.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to include the step of recording start and stop time in order to implement the trigger.

Regarding claim 4, Brownbridge teaches all of the claimed subject matter as discussed above with respect to claim 1, but does not explicitly teach the step of recording each said user defined function (UDF) start time and stop time.

Ramasamy teaches a method for monitoring an executed query (Ramasamy, Abstract) and further discloses the step of *recording start time and stop time* for each operator's thread (Ramasamy, Col. 8, Lines 9-28).

In order to send the message as disclosed at page 10 of Brownbridge, recording the start and stop time of the query is a must in order to trigger the event.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to include the step of recording start and stop time in order to implement the trigger.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brownbridge et al. [Oracle Discoverer™ 4i Plus] in view of Rankins et al. [Microsoft SQL Server 2000 unleashed, Second Edition].

Regarding claim 7, Brownbridge teaches all of the claimed subject matter as discussed above with respect to claim 1, but does not explicitly teach the step of *setting return code values for said identified expired timeout value for processing either said UDF or said trigger*.

Rankins teaches a return code value is set for calling a subroutine or function when detecting an error (Rankins, Pages 16-18).

A return code values for calling a subroutine as taught by Rankins is a must for Brownbridge method in order to trigger the message of function "Warn me if predicted query time exceeds".

It would have been obvious for one of ordinary skill in the art at the time the invention was made to include the step of setting a return code in order to return the message to the user.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

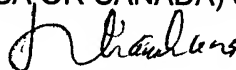
Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIM T. VO can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

Art Unit: 2168

would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HUNG Q PHAM

Examiner

Art Unit 2168

October 3, 2006



TIM VO

SUPERVISORY PATENT EXAMINER
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